



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND  
ENVIRONMENTAL AFFAIRS  
Department of Agricultural Resources

**State Reclamation and  
Mosquito Control Board**

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STATE RECLAMATION AND MOSQUITO CONTROL BOARD MINUTES/SUMMARY  
For September 17, 2007

State Reclamation and Mosquito Control Board (SRMCB) Meeting held at the Massachusetts Department of Environmental Protection (DEP) Boston Office at One Winter Street, Boston. The second floor DEP Conference Room C has been reserved from 10:30 AM to NOON

**State Reclamation and Mosquito Control Board**

Mark Buffone, SRMCB, DAR Member, Chairman  
Mike Gildesgame, SRMCB, DCR Member  
Glenn Haas, SRMCB, DEP Member

**Mosquito Control Project Commissions**

Steven Antunes-Kenyon, Bristol County Mosquito Control Project Commission  
Peter Mirandi, Northeast Mass Mosquito Control and Wetlands District Commission  
Arthur Tobin, Bristol County Mosquito Control Project Commission

**Mosquito Control Directors/Superintendents or Assistants**

Wayne Andrews, Bristol County Mosquito Control Project  
Tim Deschamps, Central Mass Mosquito Control Project  
John Doane, Cape Cod Mosquito Control Project  
David Henley, East Middlesex Mosquito Control Project  
Bruce Landers, Suffolk County Mosquito Control Project  
Walt Montgomery, Northeast Mass Mosquito Control and Wetlands District  
Gabrielle Sakolsky, Cape Cod Mosquito Control Project  
John J. Smith, Norfolk County Mosquito Control Project  
Ray Zucker, Plymouth County Mosquito Control Project

**Others**

Alisha Bouchard, Projects Administrator for State Reclamation and Mosquito Control Board  
Mary Beth Burnand, Human Resources Director, Department of Agricultural Resources  
Brad Mitchell, Director of Division of Biosecurity and Regulatory Services for the Department of Agricultural Resources (DAR)  
Anne Monnelly, Department of Conservation and Recreation  
Michael Rock, Chief Fiscal Officer, Department of Agricultural Resources

## **1. Call to Order and Attendance**

The Chairman began the meeting by welcoming everyone. The Chairman, Mark Buffone, officially called the meeting to order at 10:35 AM and stated that the meeting was being held at Conference Room C at the Boston office of the Department of Environmental Protection on Monday, September 17, 2007. Also, he announced that the meeting has been posted accordingly at both the Secretary of States office and Executive Office of Administration and Finance pursuant to the Open meeting Law.

He pointed out that the three members of the Board were present and introduced Mike Gildesgame for the Massachusetts Department of Conservation and Recreation and Glenn Haas representing the Department of Environmental Protection. He finished by stating as Chairman, he represented the Department of Agricultural Resources and noted that the Board had a quorum for voting purposes.

In addition, the Chairman acknowledge others in attendance, in particular, Alisha Bouchard, the Boards Projects Administrator, Michael Rock, Chief Fiscal Officer for Department of Agricultural Services, MaryBeth Burnand, Human Resources Director for Department of Agricultural Services, and the former Chairman of the SRMCB, Brad Mitchell, currently Director of Division of Biosecurity and Regulatory Services for the Department of Agricultural Resources. The Chairman thanked them for taking time from their busy schedules to be in attendance.

Finally, the Chairman acknowledged the Mosquito Control Project Commissioners and Superintendents who were present thanking them for taking time to attend especially at the Boston location. Chairman Buffone pointed out that the traditional site in Waltham was a more convenient location to meet for most of us.

Lastly, the Chairman asked that those in attendance sign the attendance sheet noting that some individuals who attended the last meeting did not sign the attendance sheet. He stated that the Board would like to maintain the attendance sheet as part of the record.

## **2. Vote to approve May 30, 2007 and August 20, 2007 minutes**

Chairman Buffone proceeded to agenda item #2 calling for the Board to vote to accept two sets of minutes/summaries for meetings held on May 30th and August 20th.

### **Background:**

He stated that the May 30<sup>th</sup> meeting covered the certification of FY 08 mosquito control budgets and the August 20<sup>th</sup> meeting covered the policy on pesticide label compliance of mosquito control adulticide products with changes concerning bee precautions.

The Chairman commented that copies of both sets of minutes were available on the table if anyone wanted a copy. He asked the Board if they had any edits and/or comments? The Chairman asked if anyone else present have any comments specifically concerning the minutes? Hearing none, the Chairman entertained a motion to approve the minutes as written.

### **Questions and Discussion:**

SRMCB member, Glenn Haas asked if the minutes could be voted separately. As a result, Chairman Buffone asked for a separate motion for each set of minutes/summary.

**Action Taken:**

Glenn Haas made a motion to approve the May 30, 2007 minutes as written and the motion was seconded by Mike Gildesgame and voted unanimously.

Mike Gildesgame made a motion to approve the minutes of August 20, 2007 and Chairman Buffone seconded the motion. Glenn Haas abstained from voting since he was not present at this meeting. The motion to approve the minutes of August 20, 2007 carried.

After the minutes/summary were approved, the Chairman noted that the Board should proceed to move to agenda item 3. At this time, Mike Gildesgame asked the Chairman if he could address the Board and those present. Mike announced that this was his last Board meeting, as he would be leaving state service. He commented that he wanted to let the Board and those present know that he expects the Commissioner of DCR would be naming Anne Monnelly as his replacement. He pointed out that Anne was present today as an observer and remarked that she would do a great job. Mike reflected that Anne is an aquatic entomologist with a lot of experience. He remarked that her knowledge and experience would be very valuable to the Board. The Chairman thanked Mike for his announcement and stated that he had planned to take up this matter under item 4 other business. The Chairman commented that he appreciated Mike's comments and asked if he might consider reiterating his remarks under item 4 other business.

**3. Discuss and clarify the Board's recent memorandum regarding a temporary moratorium pertaining to COLA's and salary increases****Background:**

Chairman Buffone stated that agenda item 3 was the reason for calling this meeting and the main agenda item. He announced that the Board has received correspondence from the Cape Cod and Norfolk County Mosquito Control Project Commission expressing various concerns pertaining to, in particular, the recently issued memorandum temporarily placing a moratorium on Cost of Living Adjustments (COLAs) and salary increase of the MCPs.

He pointed out that this meeting had been scheduled to provide an opportunity to hear from the Board, to help clarify some of the Board's actions, and to reiterate the direction the Board is pursuing as alluded to at previous meetings. Also, he noted that he wanted those present to understand from the Board's perspective that its action including those of the Chairman has been made under the proper authority.

The Chairman stated that he would begin the discussion with his commentary on this topic relating to the SRMCB perspective. Then, he commented that he would ask the other Board members if they would like to make any comments. Thereafter, he would open the discussion up for everyone else and allow for an opportunity to input. The Chairman reminded everyone to identify him or herself for the tape recorder so that the person transcribing the minutes would know who is making the comments.

For the record, the Chairman stated that his name was Mark Buffone. He continued by outlining some of the areas he wanted to address as it concerned the following:

- The Board's desire to work with MCP and Commissions;
- The Board's authority in general and in particular the Moratorium memo itself sent by the Chairman of the Board;
- The Board's recognition that employees of the MCPs are state employees and Commissioners deemed "special state employees" and;
- The Board's desire that MCP Commissions follow proper protocol and professional courtesy.

He stated that he felt it is important to have a strong relationship with all of the MCPs and Commissions. The Chairman related that the above has been stated at past meetings and he hoped that this relationship would be comfortable. He went on noting that this was essential in order for all involved to meet the objectives in carrying out Chapter 252 (the State Reclamation and Mosquito Control statute). In that vein, the Chairman was confident that the other members were in agreement that the Board believes that both the Commissioners it appoints and all the employees of MCPs are a critical partner in accomplishing mosquito control objectives.

Chairman Buffone repeated that the SRMCB appreciates and recognizes that much of its work is accomplished through the MCP Commissions and MCPs employees. He recounted that this appreciation and recognition was mentioned in the SRMCB responses to correspondence from the Commissions. He emphasized that the Board is sensitive to all concerns and welcomes input. The SRMCB does listen, he announced.

As long as I have been Chairman, he stated that he has strongly supported that the Board's conduct, action, and intent, has always been one to engage and seek all of the concerned parties comments and inputs. In fact, he noted this included even those parties outside of mosquito control before final decisions are made. He cited the December 6, 2006 meeting as an example and evidence of the Board fulfilling this responsibility. The December 6, 2006 meeting provided an open forum for those who opposed the spraying aerial spraying operation in SE Massachusetts and for those who felt the Board and the Department of Public Health should have sprayed earlier and more often.

The Chairman acknowledged that many mosquito control issues can be controversial, whether technical or administrative, and are in fact complicated. He emphasized that the SRMCB is doing its best to handle them under conditions of inadequate staffing and resources. In fact, the Chairman reminded those present, as he did at the March 28, 2007 meeting that many of the MCP administrative operations are handled by professionals that do not receive salaries from the mosquito control trust account-funding source. The Chairman cited specifically the DAR positions of Chief Fiscal Officer and Human Resources Manager.

The Chairman strongly commented that "clearly, there are no easy fixes" and that it was the nature of the beast when it came to mosquito control!

He continued by reporting that the law, Chapter 252, was not crystal clear. This law, he described, has evolve piecemeal since the early 1900's and results in a less than clear array of language concerning reclamation districts, dams, drainage, dikes, greenhead flies, mosquito abatement. The law that has evolved over time and has been outpaced in the modern day by other state agencies laws and requirements. In fact, he highlighted the fact that this is overall way the Commonwealth does its business as a state pertaining to its finance law, payroll, personnel, hiring and firing and procurement requirements.

The Chairman told those present that all of us working in mosquito control whether as the SRMCB, MCP Commission, Superintendents and employees, must function within a larger sphere that go beyond any individual MCP Commission or project even though some may be apprehensive to inevitable changes. He reiterated that many of the issues go beyond any one individual MCPs. In this context, he noted the importance to have a strong relationship and hopefully as he mentioned previously one that was comfortable. The Chairman set forth a take home message that the Board was doing its best to represent them within the context of issues within the larger sphere. He vocalized again that the Board desired to work with them, not against them.

The Chairman continued his review and explained that the whether the law has evolved piecemeal or not that some people may view the law as antiquated. However, whether this is true or whether the statute is not as crystal clear as we would like, it does not negate the SRMCB obligations to carry out the laws intent and at a minimum cooperate with other state process or laws, and legal opinions. He cited the recent MOU with DAR and Fish and Wildlife, and the memorandum to Board and its MCPs dated April 25, 2002 titled the legal status of the State Reclamation Board, including its Districts and Projects as well as a memo dated April 2, 2003 titled Classification and Collective bargaining Status of the State Reclamation Board.

The Chairman continued his discourse on this issue explaining in light of the fact that the law could be construed as unclear, still the SRMCB has not made recommendations to the administration and/or legislature to remove the existing statute or amend the current set up. Neither has the Board promulgated regulations to further define what your role is and what ours is, he proclaimed. He raised the question of how does the Board meet the obligation and intent of this no so clear law?

He answered this question by saying that the Board has been addressing its obligation through the development of policies, guidance, and best practices statements or directives for issues that cross individual MCPs.

He cited as examples the fact that the SRMCB is working finalizing the BMPs for fresh water inland ditching. Also, it was noted a number of other issues that are larger than any individual MCP that affect mosquito control statewide have been addressed such as issues pertaining to motor vehicle accidents, misting devices, recent bee precaution labeling, commissioner indemnification, SRMCB operational response plan for mosquito-borne disease intervention, budgets and the OMWM standards. All of these issues have been addresses through policies or are currently being refined.

The Board addresses these issues because other state authorities such as for example Department of Revenue do not want to work through or with individuals MCPs and Commissions. These authorities choose to work with the recognized and proper state oversight authority such as the SRMCB.

Chairman Buffone articulated the Board disapproval of the use of RAMP (an assay field tool for WNV) and the fact that this directive extended to all mosquito control projects in the state.

The chairman emphasized that he took all of the various issues and the problems very seriously. He challenged those present that they have been witness to more changes and involvement of the Board as an oversight authority over the past few years with the overall goal of bringing forward standardization. This standardization included personnel matters including salaries as well as procurement issues. He recalled that a number of goals have been carried forward from the former membership of the Board. In fact, the Chairman asked the former Chairman of the SRMCB, Brad Mitchell, to be present in order to help in the discussion and shed some light on these issues. From the Chairman's perspective, the recently issued moratorium temporarily halting COLA and salary increases is just another continuation of the SRMCB direction to reform and make more uniform mosquito control in Massachusetts.

The Chairman continued his monologue by summarizing further and answering the question why the memo was issued in the first place. He highlighted the fact that this issue was previously discussed at the March 28<sup>th</sup> SRMCB meeting and noted item 4 of the March 28<sup>th</sup> meeting agenda and minutes/summary which discusses this matter in detail. The Chairman

stated that the memorandum pertained to an internal and/or administrative decision and not one that relates to a mosquito control policy issue per se.

He emphasized that he had assurances from the DAR fiscal people that all of the requests for increases received as of July 1<sup>st</sup>, 2007 had been accepted, approved, and processed. The chairman noted no burden or impact to MCPs and their employees was anticipated. Also, the moratorium was temporary. The reason being so that he Board would have the needed time to identify a process that would legitimize future increases and to ensure that a standard state employment evaluation tool was in place to justify any increases. Ultimately, the SRMCB wanted to make sure that all MCP employees were on equal footing with other state employees providing similar services to the Commonwealth.

The Chairman defending the issuance of the moratorium stated that he anticipated that there would be further dialogue on the issue as evidence by today's meeting to allow input

Finally, he reflected that anyone in mosquito control, who would view honestly this matter, should understand the necessity of some kind of definitive personnel policy in order to once and for all resolve this matter. He sharply noted that the issue is not going away and echoed that the issuance of the moratorium was done under the proper authority.

### Questions and Discussion

After this discourse by the chairman, he asked the other members for comments and then open up the agenda item for general discussion.

Glenn Haas stated that it was clear to him it will take some adjustment in order to bring everything into line with state rules and regulation. He commented that this is just another step in the process. He believed the right thing was done. He agreed that the increases received were approved to insure no one was injured. He noted that before the SRMCB can in good faith and with due diligence sign off in the future on increases and/or budgets, the SRMCB needs to make sure that those funds are being appropriated and expended appropriately. He reemphasized the right thing had been done. Glenn mentioned he regrets the friction cause with the Commissions because the SRMCB wants to work closely with MCPs. He pointed out that the SRMCB is not at fault since we are trying to obey the law and to do it in a way that will have the minimal amount of upset. Yet the SRMCB cannot just ignore the law.

Mike Gildesgame stated that he agrees with Glenn's remarks. Mike stated he understood the response to the temporary moratorium and the concerns raised. However, he felt that it is important to recognize as was said at the March 28<sup>th</sup> meeting that there was a real need for standardization across the entire mosquito control districts landscape so that all of the employees have the same opportunity for advancement and pay increase with evaluation and assessment.

Mike further highlighted that this was the purpose of developing an internal control document that the Chairman mentioned to ensure that everyone connected with mosquito control is on the same footing in terms of both pay raises, human resources, or personnel issues and so forth. Again, as you heard, Mike echoed that the Board is bringing this to you because we need to. He cited working at DCR and the number of fiscal rules, and policies that have occurred over time necessity the need to change his procedures within the Office of Water Resources several times over the past few years. He strongly reiterated that the purpose of the Boards action here is to bring that standardization across all of mosquito

control. Finally, Mike stated that you heard that this something we need to do and we are trying to do it in the best way possible to accommodate everyone's needs.

Chairman Buffone added that the reason the moratorium was temporary is that the SRMCB is trying to coordinate a meeting with HRD and OER to obtain advice and guidance from experts in how we might resolve these issues. The chairman envisioned that the SRMCB would represent MCPs and Commissions at those discussions and then come back to discuss with you and ask for your input.

Brad Mitchell (former Chairman of the Board) articulated that he was kind of surprised that this came as a shock to anyone since he recalled this issue dates back to a memo from calendar year 2002 from EOE, DAR, OSD etc that basically confirms that MCPs are part of a state agency and makes some recommendations. He read the following quote from the document dated April 25, 2002 *"We also recommend that the Board, in consultation with the Department of Food and Agriculture and the Executive office for Environmental Affairs, continue to work with the Operational Services Division, the Office of the Comptroller and the Human Resources Division to bring the Board into compliance with state finance law, payroll, personnel and procurement requirements."*

Brad continued saying that all present knew the SRMCB had been doing procurement for a while, made some changes so that everybody is on pretty much a level playing field. He noted that this is just a step to do the same thing with Human Resources.

He agreed that some folks would be concerned about being part of a state system but you are obligated to do it. He suspected that some present are concerned that the SRMCB and DAR will micromanage. Brad emphasized that no one is trying to do that but there is a need for a system by which payroll, pay raises, hiring, and human resources is in general objective and consistent. He mentioned that no one was to blame or at fault here. He talked about how project Commissioners presented to him when he was Chairman the issues that there was a wide discrepancies between how much MCP Superintendents are paid between MCPs. Again he stated its nobody's fault but there is no guidance for Commissioners. This standardization provides guidance to them. Ultimately, there is a need to make sure people doing the same job are paid the same amount of money. The moratorium basically stops the current process with the new fiscal year and states no more changes were done primarily for your benefits. Nobody is disadvantage since everyone has gotten his or her increases.

Arthur Tobin asked the SRMCB indulgence and stated that some years ago, there was a Commissioner meeting at the NMCA. At that meeting, he was somewhat critical to the amount of help and direction that the SRMCB was giving the Commissions. He told those present he was loud about that fact. He did state that currently they are getting more help and information. He did admit that sometimes we don't like the edicts that come down and we need to accept them. He remarked that we never had all that information before, the information they are currently receiving and thanked the SRMCB. He said, thank you for what the SRMCB is doing and thank you for calling this meeting today since it will clear the air regarding some of these subjects.

Walter Montgomery remarked that this topic boils down to 2 issues to him. He said, standardization and the intent of Chapter 252 MGL. He felt that standardization comes down to mediocrity. You talk about standardization and one of the issues that has been a problem in the past to make sure Commissions comply open meeting law. This standard applies to the Board. In the original e-mail, it said a vote of the Board came to this decision. And that it was not a vote of the Board.

Chairman Buffone explained the language he refers to is not in the memorandum that was issued and did not recall the specific e-mail discussion. Chairman Buffone clarified that the memo was issued from the Chairman.

Walter agreed that Chapter 252 was written poorly, a hodgepodge he called it. He remarked that the clear intent of 252 was the control of mosquito control districts to remain at the regional level with Commissions. He mentioned that there were all kinds of good reasons for this such as different geographic concerns and different economic concerns. He cited that the cost of living in Berkshire County is a lot different than in Northeast Mass Mosquito Control area. He pointed out that you cannot expect that the Berkshire County employees to be paid at the same rate of pay at the North Shore anymore than you can expect a municipal employees in a small town in the Berkshire the same as a municipal employee in North Shore. It's a higher cost of living and that was the intent of Chapter 252 to take these things into consideration through its Commission.

The chairman interjected and remarked that if you want to be technical about it what does 252 establish? It does not establish mosquito abatement districts or vector control districts, which would imply a permanent infrastructure. It sets up projects. It is basically thru enabling acts of legislation of the various MCPs that call for Commissions to be established and but it does not give those Commissioners independent authority.

Walter Montgomery responded citing and reading aloud Chapter 252 section 12 titled under powers and duties of Commissioners. He read, "The Commissioners may employ suitable persons to perform the work under their direction".

Chairman Buffone also cited and highlighted verbally several sections of Chapter 252 statute. He said that Chapter 252 establishes state supervision of mosquito control Chapter 252 MGL first of all established a Board to make improvements to lowlands and swamps. It allows for the Board to investigate the question of utilizing wet lands, including meadows, swamps, marshes, beaches and other low lands, and may ascertain what lands, if any, may advantageously be drained for agricultural or industrial uses, the protection of the public health, the utilization of deposits therein, or for other purposes. It gives the Board power to employ necessary engineers, assistants, or other agents, who may enter on land, which the board desires to survey or examine. It establishes a mechanism regarding the appointment of Commissioners

It further states he said that **The board shall thereupon issue a certificate appointing one or more commissioners, who shall be sworn to the faithful performance of their duties, and shall authorize said commissioners to proceed to make the improvements, which may be made at such places, either within or without the commonwealth, as may be necessary or convenient to make the improvements effective; and said commissioners shall thereupon proceed so to do.**

Also, he read that **the board shall fix the compensation of said commissioners and shall allow them their necessary travel and other expenses necessarily incurred in the performance of their duties.** Such compensation and expenses shall constitute a part of the expense of making and maintaining such improvements.

Continuing he read that "the board for cause may remove any commissioner and the board may fill vacancies. The board may discharge the commissioners when the improvements are completed and may appoint others to care for maintenance".



He reference other sections such as "Any city or town included in an area designated by an identifying name, under any general or special law, as a mosquito control project for the purposes of this section, which has withdrawn from membership in such project may, **with the approval of the board and upon such conditions as the board may prescribe**, vote to become a member of the existing mosquito control project within its area".

And "notwithstanding the provisions of any general or special law to the contrary, expenditures and other financial uses charged to said fund shall not be subject to appropriation, and shall include salaries and other costs of state employees, operational expenses, acquisition of capital equipment and property, and other expenses deemed necessary to the state reclamation board's successful operation as determined by the director of said board".

Chairman Buffone further pointed out that Walter left out one phrase when speaking about 252 sec 12 states the scope and powers of Commissions and that the section intent is clear in that Commissioners shall carry out their activities in such as manner as the Board may approve.

The chairman concluded that it is apparent that the law highlights the SRMCB authority more than the Commission as these Commissions must operate in accordance with the Boards guidance and directives and that's what we been trying to do with the development of standards across the MCPs.

He remarked emphatically that overall he hoped that we could all agree that the ultimate responsibility is mosquito control for the Commonwealth cooperatively achieved by the SRMCB through the districts. I would prefer to seek corporation instead of an us against them scenario. I would like to achieve in a cooperative manner as possible. All we are trying to do is to better define what the Board is obligated to do and I don't think it will result in mediocrity

Mike Gildesgame stated that Walter Montgomery brought up an important point the differences in regional situation primarily for pay and he did not know enough about HR to be able to say is there a difference between regions. If you're a laborer 3 working in Northeast are you required to get the same amount of pay as the laborer in the Berkshire? He did not know the answer.

MaryBeth Burnand commented that all these positions had salary schedules attached to a position title. You could have somebody with 5 years of service laborer 1 in the Berkshire earning the same as the somebody with a similar title in the Northeast.

Brad Mitchell remarked that you have nine different organizations with nine different oversight Commissions determining who gets paid. He stated that there is something to be gained and loss no matter what system is established for this issue.

Bruce Landers of Suffolk County Mosquito Control Project stated that his project did not send an increase request to date to cover this year and last year due to funding shortage.

Chairman Buffone pointed out to Bruce Landers that the SRMCB needs to meet with the state experts for guidance and advice as it relates to details and inconsistencies that exist within the current system. The objective, he said, is to get the issue on the table.

Brad Mitchell was confident that whatever HR system is put in place that nobody is going to get cut or cut established salaries.

Glenn Haas commented that the chairman made a good point and that our objective is to meet with the HR experts and whoever else that need to be met with to sort some of this stuff out. He further mentioned that it would be more interesting to me rather than argue that you are state employees all that stuff has been settled to hear from you about issues that of concern to you as part of those negotiations. The SRMCB has heard some issues raised in past meetings, for example, like having the day after Thanksgiving off and not having one of the summer holidays. He pointed out that is something that not normal around a lot of agencies. He asked the question, is there flexibility regarding these types of situations? He did not think so but it is something the SRMCB can certainly ask when we go to meetings with the experts. He stated that the SRMCB is looking to you to provide what you think the problems you need to have us address. He concluded by saying that all these things need to be discussed so the SRMCB does not have to address the many questions sent on a daily basis.

He finished by mentioning that to the degree where the MCPs think they are not going to get that flexibility, they should raise these issues to the SRMCB where you think you need flexibility in payroll and personnel so that the Board in turn can raise those issues with the folks at A&F and Comptrollers Office

John Doane explained that the concern his Commission had was where the meeting was held and where the vote was taken on the matter of the moratorium. He remarked that they were aware the issue was discussed at prior meetings but he pointed out that discussing matters is not the same as a vote. There is a great differences you can discuss a lot of issues at meetings but unless you take a vote in an open public meeting it has no bearing. Based on what happened, John challenge the Board questioning where and when the vote was taken and to produce the minutes.

John continued stating he knew the open meeting law. He remarked that the SRMCB talks about salaries putting all together. He implored the SRMCB to take into consideration that this is not the Massachusetts State Highway Department where you have people from Provincetown to the Berkshires doing similar or same jobs. He commented that all that money is coming out of one pool from taxpayer's money compared to mosquito control funding, which is assessed in the member towns in which the districts occur. He continued to point out the need to consider the different MCPs (2 or 3 of them that are in the epicenter of the EEEv), and they have this on their minds versus other MCP where it is not on the forefront. Some MCPs have to deal with salt-water mosquitoes. Salt-water mosquitoes can be a huge problem compared to freshwater mosquitoes. You have to deal with it differently. He highlighted that there are a couple of MCPs that have to run greenhouse fly districts and that its not as uniform of what they do everywhere from one to the other. There are similarities but not all uniform. He emphatically remarked that Cape Cod follow process to hire. He concluded that this past year 12 employees of the Cape Cod Mosquito District got a 3 % COLA which is below the established 3.42 percent. John stated that's all they got.

Chairman Buffone asked John Doane if any of the cities and towns employees in his project such as police, teacher, fire, get increases? John stated they got more. He said he has town manager and selectman on his Commission and they review these matters. They know the their towns are giving out more.

Brad Mitchell interjected that there is flexibility within the state system and that consideration can be given to the variation in how MCPs attend to this issue.

Steve Antunes-Kenyon wanted to draw on what John Doane discussed agreeing that John highlighted very good and interesting points where his MCP have to make decisions and they make those decisions based on local issues. Steve, however, said that the underlying all of these examples of different issues is the perception that the state system is against them. Steve felt this was evidence of the need for a uniform system because as the Chairman pointed out the state system of administration such as Human Resources for example has outpaced the current statute (Chapter 252).

Steve echoed that although many of these issues may be sort out working at the local MCP to the degree that people like John Doane and his Commission can work things out, Steve believed that eventually it is bound for a collision. The course of fixing things here and there we wind up in a situation where we are today that some MCP has significant differences as compared to other especially applied to their operating plans/budget.

More than ever, Steve emphasized that he really thought instead of these examples saying control should remain at the local level and SRMCB should not come up with a uniform policy he articulated that these examples actually underline the need for uniform standards.

Chairman Buffone responded by saying that the legal memo is clear describing that there is no substantial evidence that supports the fact or require the MCPs and Commission to maintain there own accounting systems, personnel systems, payroll systems, procurement tax reporting system etc. He recounted that the legal opinion states that we are all part of the state system and that it is necessary that the responsibility and obligations of the state be met. Basically, he emphasized this is the bottom line and stated that how we get there is depends on advice from HRD and OER and room for discussion and negotiation

At this point the Chairman asked if it would make sense to formally verify the memorandum that the SRMCB would want it to continue until such time as the SRMCB gets advice from HRD and OER and others and that in fact we in fact that the standard state evaluation EPRS should be used by MCP Commissions statewide.

Glenn Haas responded by saying he had no objection to the Chairman's request but felt it was not necessary. But if it would help make the SRMCB intentions crystal clear to go forward. Mike agreed with Glenn. The SRMCB agree although unnecessary it would take a vote for clarification.

Walter Montgomery asked is this going to be done in an open process so that a year from now someone sends a list from now here is your pay scale and position?

John Smith voiced his concern as well stating that there should be more input from his Commission and reminded the SRMCB they even though they may be state employees they serve a set number of member municipalities and that needed to be reflected as a part of their operations. He felt that official action of the Board in this case the moratorium without a vote of the Board. He also felt that this might go beyond the Human Resources and his Commission have concerns that again that changes may affect the local members communities.

Chairman Buffone responded by saying that the Board will listen to input but some of the Boards decision or policy standardization mandates are necessary to ensure that MCP activities are based in science and based on the fact that the SRMCB must comply with certain state procedures and laws. The challenge will be to work with the affected MCPs and their member cities and towns to educate them about the changes.

Mike Gildesgame stated the both Walter and John brought up very good points in terms of the participation of the MCPs in reformulating the HR and pay scales. To the extent that it is possible. Mike urged the Board to involve the MCPs after the conversation with OER and HRD to keep the MCPs informed. As we said, there is a limit on the amount of flexibility within those human resources and fiscal systems. It is valid to have the MCPs informed about what is going on.

Brad Mitchell agrees. Some of what they tell us is fixed for example employee description but there may be some flexibility in how the SRMCB applies it and time frame. He suggested a small workgroup of Commissioners and MCPs.

MaryBeth Burnand felt the discussion was premature since a meeting has not occurred at this point in time. She felt that it was important to hear MCP and Commission input but the discussion was speculative since no decisions have been made. This is an opportunity to get input. She further pointed out that she had reached out to MCPs dealing with a couple of HR non-classification issues and did not obtain cooperation and or flexibility.

Chairman Buffone stated that the key point is to the extent possible. Other state authorities such as HRD and OER might want to meet only with the state authority for mosquito control and not open it up to a larger forum. He commented that he agree with Brad that a small well defined group that could provide input. He supported both Mike and Glenn thoughts that to the extent possible the SRMCB would keep them involved and inform.

At this point in the meeting the Chairman announced that Mike Gildesgame needed to leave and wanted to move to agenda 4. So he asked the Board to make a motion to clarify the issuance of the moratorium that the SRMCB feels is authorized and will continue until such time as the Board can finalize it.

### **Action Taken**

Glenn Haas made motion that the SRMCB affirms the Chairman's memorandum of June 29, 2007 on COLA and salary increases putting on a temporary moratorium. Mike Gildesgame seconds the motion.

Chairman Buffone stated the motion and called for discussion. There was ample discussion on the motion. There were a number of comments that there is not a need for it as stated by Dave Henley and John Doane regarding the motion since two MCPs did not file for a COLA increase as of July 1, 2007. Chairman stated that the SRMCB could review those examples separately.

After discussion, Mike Gildesgame moved to amend the motion that the SRMCB affirms the Chairman's memorandum of June 29, 2007 on COLA and salary increases putting on a temporary moratorium and those MCPs who have not requested increases to date to put forward these requests for consideration by the SRMCB. Glenn Haas seconded the motion. Chairman Buffone restated the amendment and called for discussion on the amendment.

John Doane vehemently believed that the Board should put an end date on the moratorium. The Board members disagree since that the moratorium could be lifted at any time after it obtains guidance from HRD and OER.

Arthur Tobin asked if any MCP could approach the SRMCB if any MCP, which felt it had a justification to increase the COLA and/or salary, increases. The SRMCB responded favorably and Commissioner Tobin was happy that there was a process for review.

After restatement of the amended motion, the Chairman called for a vote and the amended motion carried unanimously.

#### 4. Other Business

##### Background:

Chairman Buffone brought to the attention of those present that Mike Gildesgame needed to leave before the meeting officially adjourned to attend other business. The chairman made note that Mike would be leaving the Board and stated that Mike has been with DEM/DCR for some twenty years. Mike has also been a Board member since January 17, 2006. He continued that Mike is moving from the state to the not-for-profit community. He will be working with the Appalachian Mountain Club on research and policy issues in southern New England. Chairman Buffone wanted to on behalf of the Board extend his gratitude to Mike and personally thank him for his advice, help, and support the me as Chairman. Mike has been very helpful the Chairman stated. The Chairman wanted for the record to acknowledge his membership of distinguished service and presented him an Outstanding Performance Award certificate and plaque. The Chairman read aloud the award

Chairman Buffone asked for a round of applause to show appreciation to Mike. The chairman Buffone asked Mike if he would like to make any final remarks?

Mike stated that it has been a pleasure in many ways to part of this process. He pointed he had learned a lot from all of those present and the members of the Board from attending all these meetings. He thanked the Chairman. Mike left the meeting.

Also, the Chairman wanted to take this time to recognize someone else formally who has not been to date that unlike other Board members has served for many years. The Chairman stated that a few months back there was a switch of Board membership when Glenn Haas became the DEP board representative taking Gary Gonyea's place. Chairman Buffone mentioned that the Board never really officially recognized Glenn who became the DEP representative November 2, 2006 so he wanted this fact to be reflected in the record. Chairman Buffone also wanted to recognize Gary Gonyea. He pointed out that Gary has been a true professional and a good friend working hard for the Board over the years. He has been through many debates and controversies and still today is working on issues that involved mosquito control.

For me personally as Chairman, Gary was most helpful during the recent EEEv crisis both in 2005 and 2006. The Chairman stated the Board wanted to award Outstanding Performance Award certificate and plaque to him recognizing his distinguished service from September 28, 1997 through November 2, 2006. The Chairman asks for a round of applause for his contributions and recognizes Gary for the record.

##### Questions and Discussion

NONE

##### Action Taken

The Chairman read aloud the Award certificate and plaque recognizing two Board members distinguished service and asked for a round of applause for his contributions.

## 5. Announce Next Meeting Date-Wednesday, October 31, 2007

### Background:

The Chairman announced and reminded those present that the next meeting of the Board is scheduled for **Wednesday, October 31, 2007 at 10 AM in Waltham**. He pointed out the different time and location. The Chairman remarked that this meeting was important because the Board anticipates voting to finalize the Best Management Practices as part of the Board desire to update the Mosquito Generic Impact Statement. Chairman Buffone also commented that the Board has been preoccupied with a number of issues and has been unable to work on Commissioners re-appointments.

### Questions and Discussion

NONE

### Action Taken

NONE

## 6. Adjournment

### Background:

The Chairman asked if there were any other comments or questions before the Board officially adjourns the meeting. He entertained a motion to adjourn the meeting.

### Questions and Discussion:

NONE

### Action Taken:

Glenn Haas made a motion to adjourn the meeting at 11:50 AM. The motion was seconded by Chairman Buffone and voted unanimously.

Respectfully submitted,

Mark S. Buffone  
Chairman